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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))

Docket Number (Optional)

ELLE P021A

RECEIVED

Mail to: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 Fax: (571) 273-8300

OCT 15 2010

OFFICE OF PETITIONS



NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,954,613

Application Number 09/658215

Issue Date October 11, 2005

Filing Date September 8, 2000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

Is a reissue of original Patent No.

original issue date

10/12/2010 DALLEN 00000020 6954613

original application number

01 FC:1599

2130.00,0P

original filing date

200 OCT -7 PM 3:33

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application

filed on

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

September 30, 2010

Date

Signature

DAVID BOGART DORT
 Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

1. SMALL ENTITY

Patentees claims, or has previously claimed, small entity status. See 37 CFR 1.27.

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2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

OCT 15 2010

Patentees is no longer entitled to small entity status. See 37 CFR 1.27(g)

OFFICE OF PETITIONS

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

| NOT Small Entity | | | Small Entity | | |
|--------------------------|----------------|--------|-------------------------------------|----------------|-------------------|
| Amount | Fee | (Code) | Amount | Fee | (Code) |
| <input type="checkbox"/> | \$ 3 ½ yr fee | (1551) | <input checked="" type="checkbox"/> | \$ 490 | 3 ½ yr fee (2551) |
| <input type="checkbox"/> | \$ 7 ½ yr fee | (1552) | <input type="checkbox"/> | \$ 7 ½ yr fee | (2552) |
| <input type="checkbox"/> | \$ 11 ½ yr fee | (1553) | <input type="checkbox"/> | \$ 11 ½ yr fee | (2553) |

MAINTENANCE FEE BEING SUBMITTED \$

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1640

5. MANNER OF PAYMENT

Enclosed is a check for the sum of \$ 2130

Please charge Deposit Account No. the sum of \$

Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No.

7. OVERPAYMENT

As to any overpayment made please

Credit to Deposit Account No.
OR

Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED


Signature(s) of Petitioner(s)

September 30, 2010

Date

David Bogart Dort

Typed or printed name(s)

50,213

Registration Number, if applicable

571-338-6037

Telephone Number

119 South Saint Asaph, Suite 200, Alexandria, VA 22314

Address

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

- Maintenance Fee Payment
- Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- SASE Postcard